



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB6216

by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

615 ILCS 5/24.5 new

Amends the Rivers, Lakes, and Streams Act. Defines "secretarial disaster area" as any portion of a county which meets severe drought intensity for 8 consecutive weeks, or any any portion of a county which meets extreme drought or higher drought intensity value at any time during the growing season. Provides that whenever the Secretary of the United States Department of Agriculture declares a secretarial disaster area to exist, the Governor shall exercise his or her authority under Section 7 of the Illinois Emergency Management Agency Act to provide the Department of Natural Resources the authority to regulate and permit all water use, including but not limited to riparian rights, of surface and groundwater resources within the secretarial disaster area. Provides that the Department of Natural Resources shall have the authority to prioritize permitted water usage based on the needs of the affected area. Permitted uses shall include but not be limited to public drinking water supply, in-stream flows, industrial uses, and navigation. Provides that the Department shall have the authority to make available all public and private water within Illinois to alleviate water supply demands within a secretarial disaster area, excluding federal reservoirs and Lake Michigan. Provides that the Department is not required to follow state procurement rules when implementing this Section within secretarial disaster areas and that all compensation shall be set by the Office of Water Resources. Provides procedural requirements concerning water use regulation under the new provisions. Limits the concurrent exercise of home rule powers.

LRB097 22506 HEP 71321 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Rivers, Lakes, and Streams Act is amended by
5 adding Section 24.5 as follows:

6 (615 ILCS 5/24.5 new)

7 Sec. 24.5. Emergency drought disaster areas.

8 (a) As used in this Section, "secretarial disaster area"
9 means any portion of a county which meets the D2 (severe
10 drought) drought intensity value for 8 consecutive weeks, or
11 any portion of a county which meets the D3 (extreme drought) or
12 higher drought intensity value at any time during the growing
13 season, as reported in the U.S. Drought Monitor.

14 (b) Whenever the Secretary of the United States Department
15 of Agriculture declares a secretarial disaster area to exist,
16 the Governor shall exercise his or her authority under Section
17 7 of the Illinois Emergency Management Agency Act to provide
18 the Department of Natural Resources the authority to regulate
19 and permit all water use, including but not limited to riparian
20 rights, of surface and groundwater resources within the
21 secretarial disaster area.

22 (c) The Department of Natural Resources shall have the
23 authority to prioritize permitted water usage based on the

1 needs of the affected area. Permitted uses shall include but
2 not be limited to public drinking water supply, in-stream
3 flows, industrial uses, and navigation.

4 (d) The Department of Natural Resources shall have the
5 authority to make available all public and private water within
6 Illinois to alleviate water supply demands within a secretarial
7 disaster area. The authority granted by this Section does not
8 apply to federal reservoirs or Lake Michigan.

9 (e) The Department of Natural Resources is not required to
10 follow state procurement rules when implementing this Section
11 within secretarial disaster areas. All compensation shall be
12 set by the Office of Water Resources.

13 (f) The Department shall hold a public hearing on the issue
14 of water use regulation under this Section. A hearing shall be
15 held within 30 days upon 3 days notice. Notice of the hearing
16 shall be published at least 3 days before the hearing in no
17 less than 2 Illinois newspapers of general circulation. A
18 hearing officer, who shall be appointed by the Department,
19 shall preside over any hearings required by this subsection
20 (f), and shall make a written report and recommendation about
21 the evidence presented at the hearing to the Director of the
22 Department of Natural Resources.

23 (g) A home rule unit located within a secretarial disaster
24 area may not regulate water usage in a manner inconsistent than
25 the regulations imposed by the Department of Natural Resources
26 under this Section. This Section is a limitation under

1 subsection (i) of Section 6 of Article VII of the Illinois
2 Constitution on the concurrent exercise by home rule units of
3 powers and functions exercised by the State.